IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

Bail Appl..No. 1403 of 2007()

CRIME NO. 234/06 OF PERUMPADAPPU POLICE STATION

PETITIONERS/ACCUSED

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1. ALI K.M., S/O. MOIDUNI,
   KERANTAKATH VEETTIL HOUSE, PERUMPADAPPU AMSOM,
   PALAPPETTI DESOM, PONNANI TALUK,
   MALAPPURAM DISTRICT.

2. GAFOOR, S/O. IBRAHIM,
   POOKIL VEETTIL HOUSE, PALAPPETTI DESOM,
   PONNANI TALUK, MALAPPURAM DISTRICT.

3. SHOUKATHALI, S/O. SYEDU,
   KUTTIKATTIL HOUSE, PALAPPETTI,
   PONNANI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.K.J.SAJI ISAAC

RESPONDENTS:

SUB INSPECTOR OF POLICE,
PERUMPADAPPU, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1403 of 2007

DATED: 8th March, 2007

O R D E R

Petitioners who are accused Nos. 4,3 and 1 respectively in Crime No. 234/'06 of Perumpadappu Police Station for an offence punishable under Section 283 I.P.C. and subsequently altered into Section 304 I.P.C., seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 9.45 p.m. on 13-12-2006, one Noushad who was riding a motor cycle along the national highway at Samipadi in Ponnani Taluk sustained fatal injuries consequent on the hitting of his motor cycle against a coconut tree trunk placed across the road to create a blockade in anticipation of the hartal on the next day.

2. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer and then to have their application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioners shall surrender before the Investigating Officer on any day between

14-3-2007 and 16-3-2007 for the purpose of custodial interrogation. Thereafter the petitioners shall be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall consider and dispose of the applications, if any, filed by the petitioners for regular bail preferably on the same day on which it is filed.

This petition is disposed of as above.

V.RAMKUMAR, JUDGE

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